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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,525	10/23/2003	Masahiro Kamiya	117605	6376
25944	7590	01/30/2009	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				EKPO, NNENNA NGOZI
ART UNIT		PAPER NUMBER		
2425				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/690,525	KAMIYA, MASAHIRO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nnenna N. Ekpo	2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 November 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) 11 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10, 12-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .                                                        | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

### ***Acknowledgement***

1. This Office Action is responsive to the arguments filed on November 26, 2008.

### ***Response to Arguments***

2. Applicant's arguments filed 11/26/2008 have been fully considered but they are not persuasive.

Applicant argues on page 5+ of the 11/26/2008 Remarks that the claim limitation "scroll control unit changes a scroll amount based on a distance from the predetermined point of the specification point, and changes a scroll direction based on a direction of the specification point with respect to the predetermined point when the display is scrolled." is not taught or suggested by Inoue as recited in claim 1.

In response to Applicant's argument, Examiner respectfully disagrees. Nagasaka et al. clearly discloses detecting a specification point on the display screen as previous cited in paragraph 0029. Inoue discloses "scroll control unit changes a scroll amount based on a distance from the predetermined point of the specification point, and changes a scroll direction based on a direction of the specification point with respect to the predetermined point when the display is scrolled" on paragraph 0070 and figure 6. In paragraph 0070, Inoue discloses that display cursor area (65) can be scrolled/moved from one direction (up-down, left-right direction) to another direction/position on the display screen. The current position can be functionally equivalent to the specification point and the position where the EPG data is to be placed/moved can be functionally equivalent to the predetermined point. Applicant places much emphasis on Inoue for

scrolling from a portion of a display area to another portion of a display area based on selection of directional keys on a remote controller. Claim limitation does not specify that scrolling from one point to another cannot be achieved by using a remote control.

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant also argues on page 6+ of the 11/26/2008 Remarks that Inoue fails to disclose that a user interacts with an actual display screen.

In response to Applicant's argument, Examiner respectfully disagrees. Inoue discloses on figures 3, 6, 7 that a user can interact with the display screen for example with a remote control.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-4, 6-10 and 12-13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. (US Patent Number 6,437,836) in view of Nagasaka et al. (JP2000370120) or (JP2000370121) or (JP000381519), a translation of (US Publication Number 2004/0085352) which is relied upon for the claim rejections and Inoue (U.S. Publication No. 2001/0042247).

Regarding **claim 1**, Huang et al. discloses an electronic program guide display control apparatus for displaying a part of an electronic program guide on a display screen (see fig 5).

However, Huang et al. fail to specifically disclose the claimed specification point detection unit and scroll control unit, scrolling the display of a display area in response to specification position on the display screen the electronic program guide display control apparatus comprising:

a specification point detection unit for detecting a specification point on the display screen; and

a scroll control unit for scrolling the display of the display area based on a positional relation between the specification point detected by the specification point detection unit and a predetermined point on the display screen,

the screen control unit changes a scroll amount based on a distance from the predetermined point to the specification point, and changes a scroll direction based on a direction of the specification point with respect to the predetermined point when the display is scrolled.

Nagasaka et al. teaches scrolling the display of a display area in response to specification operation on the display screen (see fig 46, paragraphs 0147 and 0405) the electronic program guide display control apparatus comprising:

a specification point detection unit for detecting a specification position on the display screen (see paragraph 0029); and

a scroll control unit for scrolling the display of the display area based on a positional relation between the specification point detected by the specification position detection unit and a predetermined position on the display screen (see paragraph 0362 and 0404).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Huang et al.'s invention in view Nagasaka et al. for the advantage of providing a screen operating device with good operability.

However, Huang et al. and Nagasaka et al. fails to specifically disclose the scroll control unit changes a scroll amount based on a distance from the predetermined point to the specification point, and changes a scroll direction based on a direction of the specification point with respect to the predetermined point when the display is scrolled.

Inoue discloses the scroll control unit changes a scroll amount based on a distance from the predetermined point to the specification point, and changes a scroll direction based on a direction of the specification point with respect to the predetermined point when the display is scrolled (see paragraph 0070).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Huang et al. and Nagasaka et al.'s invention with the above mentioned limitation as taught by Inoue for the advantage of moving the program guide to a desirable position.

Regarding **claim 2**, Huang et al., Nagasaka et al. and Inoue discloses everything claimed as applied above (see *claim 1*). Huang et al. discloses the electronic program guide display control apparatus (see fig 5).

Nagasaka et al. discloses the apparatus wherein the specification point detection unit detects a point on the display screen pressed by a user with the user's finger as the specification point (see abstract, lines 1-5 and paragraphs 0029 and 0033).

Regarding **claim 3**, Huang et al., Nagasaka et al. and Inoue discloses everything claimed as applied above (see *claim 2*). Huang et al. discloses the electronic program guide display control apparatus (see fig 5).

Nagasaka et al. discloses the apparatus wherein the scroll control unit scrolls the display of the display area based on the specification point detected by the specification point detection unit (see paragraphs 0362-0364).

Inoue discloses a center point of the display screen as the predetermined point (see paragraph 0086).

Regarding **claim 4**, Huang et al., Nagasaka et al. and Inoue discloses everything claimed as applied above (see *claim 3*). Huang et al. discloses the electronic program guide display control apparatus (see fig 5).

Nagasaka et al. discloses the apparatus wherein the scroll control unit scrolls the display of the display area based on a direction from the center point to the specification position and at least one of a distance from the center point to the specification point

and specification pressure at the specification point (see paragraphs 0011, 0018 and 0362).

Regarding **claim 6**, Huang et al., Nagasaka et al. and Inoue discloses everything claimed as applied above (see *claim 1*). Huang et al. discloses the electronic program guide display control apparatus further comprising: a broadcast-service-unit regulation unit for regulating a move distance in broadcast service units (see fig 5 (502), column 3, lines 27-29 and column 5, lines 62-63).

Nagasaka et al. discloses regulating a move distance of the scrolling by the scroll control unit (see paragraph 0362).

Regarding **claim 7**, Huang et al., Nagasaka et al. and Inoue discloses everything claimed as applied above (see *claim 1*). Huang et al. discloses the electronic program guide display control apparatus further comprising: a time-unit regulation unit for regulating a move distance in predetermined time units (see fig 5 (505) and column 5, lines 54-63).

Nagasaka et al. discloses regulating a move distance of the scrolling by the scroll control unit (see paragraph 0362).

Regarding **claim 8**, Huang et al., Nagasaka et al. and Inoue discloses everything claimed as applied above (see *claim 1*). Huang et al. discloses the electronic program guide display control apparatus further comprising: a broadcast-service-unit regulation

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unit for regulating a move distance in broadcast service units (see fig 5 (503), column 3, lines 27-29 and column 5, lines 62-63).

Nagasaka et al. discloses regulating a move distance of the scrolling by the scroll control unit (see paragraph 0362).

Regarding **claim 9**, Huang et al. discloses an electronic program guide display control method comprising (see fig 5):

displaying a part of an electronic program guide on a display screen (see fig 5, column 4, lines 55-56 and column 8, lines 32-35) and scrolling a display area of the electronic program guide (see fig 5 (506 and 507) and column 8, lines 38-44).

However, Huang et al. fail to specifically disclose detecting a specification point on the display screen and scrolling based on a positional relationship between the specification point detected and a predetermined point on the display screen, changing a scroll amount based on a distance from the predetermined point to the specification point, and changes a scroll direction based on a direction of the specification point with respect to the predetermined point when the display are is scrolled.

Nagasaka et al. discloses detecting a specification point on the display screen (see paragraph 0029), and scrolling based on a positional relationship between the specification point detected and a predetermined point on the display screen (see paragraph 0362 and 0404).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Huang et al.'s invention with the above

mentioned limitation as taught by Nagasaka et al. for the advantage of easily manipulating the display screen and providing a screen operating device with good operability.

However, Huang et al. and Nagasaka et al. fails to specifically disclose changing a scroll amount based on a distance from the predetermined point to the specification point, and changes a scroll direction based on a direction of the specification point with respect to the predetermined point when the display area is scrolled.

Inoue discloses changing a scroll amount based on a distance from the predetermined point to the specification point, and changes a scroll direction based on a direction of the specification point with respect to the predetermined point when the display area is scrolled (see paragraph 0070).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Huang et al. and Nagasaka et al.'s invention with the above mentioned limitation as taught by Inoue for the advantage of moving the program guide to a desirable position.

**Claim 10** is directed toward embody the method of claim 9 in “computer readable medium”. It would have been obvious to embody the procedures of Huang et al., Nagasaka et al. and Inoue as discussed with respect to claim 9 in a “computer readable medium” in order that the instructions could be automatically performed by a processor.

Regarding **claims 12 and 13**, Huang et al., Nagasaka et al. and Inoue discloses everything claimed as applied above (*see claims 1 and 9*). Nagasaka et al. discloses a specification point detection unit for detecting a specification position on the display screen (see paragraph 0029). Inoue discloses the electronic program display control apparatus wherein the scroll control unit changes the scroll amount based on the distance from the predetermined point to the specification point such that the scroll amount increases based on increasing distance from the predetermined point to the specification point (see fig 6).

5. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. (US Patent Number 6,437,836), Nagasaka et al. (JP2000370120) or (JP2000370121) or (JP000381519), a translation of (US Publication Number 2004/0085352) which is relied upon for the claim rejections and Inoue (U.S. Publication No. 2001/0042247) as applied to *claim 4* above, and further in view of Nakajima et al. (US Patent Number 7,061,648).

Regarding **claim 5**, Huang et al., Nagasaka et al. and Inoue discloses everything claimed as applied above (*see claim 4*). Huang et al. discloses the electronic program guide display control apparatus (see fig 5).

Nagasaka et al. discloses the specification position detected by the specification position detection unit (see paragraph 0029).

However, Huang et al., Nagasaka et al. and Inoue fail to specifically disclose an end portion of the display screen wherein the scroll control unit displays content of an

end portion positioned in a direction from the center position to the specification position on the display screen.

Nakajima et al. discloses an end portion of the display screen wherein the scroll control unit displays content of an end portion positioned in a direction from the center position to the specification position on the display screen (see fig 14 and column 15, lines 60-64).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Huang et al., Nagasaka et al. and Inoue's invention with the above mentioned limitation as taught by Nakajima et al. in order to visibly notify the viewer when the screen session has ended.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nnenna N. Ekpo whose telephone number is 571-270-1663. The examiner can normally be reached on Monday - Friday 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nnenna N. Ekpo/  
Patent Examiner  
January 23, 2009.

/Brian T. Pendleton/  
Supervisory Patent Examiner, Art Unit 2425

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